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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,181	07/30/2001	Alan Tsu-I Yaung	STL920000093US1	2692
47069	7590	12/14/2006	EXAMINER	
KONRAD RAYNES & VICTOR, LLP ATTN: IBM54 315 SOUTH BEVERLY DRIVE, SUITE 210 BEVERLY HILLS, CA 90212			NAWAZ, ASAD M	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,181

Applicant(s)

YAUNG, ALAN TSU-I

Examiner

Asad M. Nawaz

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/26/06, 9/14/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the amendment received on 9/26/06. No claims have been added, amended, or canceled. Accordingly, claims 1-42 are pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 9/14/06, 9/26/06 were filed after the mailing date of the Non-Final Office Action on 12/14/05. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnard et al (USPAT: 6,687,677) hereinafter referred to as Barnard.

As to claim 1, Barnard teaches a method for assigning a work item for one of a plurality of nodes in a workflow to at least one of a plurality of users capable of performing workflow related operations at the nodes, comprising:

processing a node in a current workflow, wherein a current work item is associated with the processed node (col 16, 49-67);

processing an access list indicating users capable of being assigned the current work item (col 22, lines 24-35);

determining from the access list at least one user capable of being assigned the current work item (col 22, lines 24-35);

for each determined user, determining a number of work items other than the current work item assigned to the user in the current workflow and in a workflow other than the current workflow (col 19, lines 11-17);

selecting at least one determined user based on the determined number of work items assigned to the determined users (col 3, lines 10-14); and

assigning the current work item to the at least one determined user (col 3, lines 1-5).

As to claim 2, Barnard teaches the method of claim 1, wherein the determined number of work items assigned to each user includes active work items assigned to the user in workflows other than the current workflow (Fig 3, col 5, lines 4-25).

As to claim 3, Barnard teaches the method of claim 2, wherein the determined number of work items further include active work items assigned to the user in the current workflow other than the current work item (col 5, lines 4-25).

As to claim 4, Barnard teaches the method of claim 1, wherein the determined users comprise users on an access list associated with the current workflow (col 3, lines 1-14).

As to claim 5, Barnard teaches the method of claim 1, wherein determining the number of work items assigned to each user further comprises: determining work items for which the user has exclusive access; and determining work items that are not owned by another user and that are associated with an access list that includes the user (col 22, lines 24-35).

As to claim 6, Barnard teaches the method of claim 1, wherein selecting at least one determined user based on the determined number of work items assigned to the determined users further comprises: for each work item assigned to the user, determining a priority related to the work item; for each user, calculating an index based on each priority related to each work item assigned to the user; and using the index to select one user to assign the new work item (col 19, lines 11-17 and col 22, lines 24-35).

As to claim 7, Barnard teaches the method of claim 6, wherein the priority related to the work item comprises a priority assigned to the workflow in which the work item is included (Fig 4; col 5, lines 25-37).

As to claim 8, Barnard teaches the method of claim 6, further comprising: receiving a user defined priority, wherein the user defined priority is the priority related to the work item (Fig 4; col 5, lines 25-37).

As to claim 9, Barnard teaches the method of claim 8, wherein the user defined priority is for the workflow including the work item assigned to the user.

As to claim 10, Barnard teaches the method of claim 6, further comprising: receiving a user defined priority scheme associating a plurality of user defined priorities

with a plurality of normalized ratings; and determining a user defined priority related to the work item, wherein the determined priority related to the work item used to calculate the index comprises the normalized rating associated with the user defined priority (col 19, lines 11-17 and col 22, lines 24-35).

As to claim 11, Barnard teaches the method of claim 6, wherein the selected user comprises the user having a lowest index value (Fig 4; col 5, lines 25-37).

As to claim 12, Barnard teaches the method of claim 11, further comprising: if no one user has the lowest index value, determining from the users having a same lowest index value one user having a least number of assigned work items, wherein the determined user having the least number of assigned work items comprises the selected one user (Fig 4; col 5, lines 25-37).

As to claim 13, Barnard teaches the method of claim 6, further comprising: using an arbitrary criteria to select one user if no user is selected using the user indexes (Fig 4; col 5, lines 25-37).

As to claim 14, Barnard teaches the method of claim 6, further comprising: using the index to determine at least one additional user to assign the new work item (Fig 4; col 5, lines 25-37).

Claims 15-42 are essentially the system and article of manufacture for the above-mentioned method claims and are thus rejected under similar rationale.

Response to Arguments

5. Applicant's arguments filed have been fully considered but they are not persuasive. In substance, the applicant argues that A) Barnard does not disclose

"looking at the duties of workers" and B) "there is [no] mention of load balancing based on work items".

6. In response to A), Barnard does take into account the duties of the workers. Barnard discloses the duties of the programmers, operations, user groups, etc. are reviewed to ensure they only perform tasks that they have been allowed to perform and nothing else (col 19, lines 11-17). Therefore, Barnard still meets the scope of the limitations as currently claimed.

In response to B), applicant argues that contrary to claim language, no mention of load balancing is made. These limitations are not found in the claims. The claimed subject matter defined in the claims merely recite that the number of work items is taken into account as one factor in assigning further work. This does not mean that the optimally capable user is chosen for the work item. It could be the case that the number of work items is a measure of the expertise of the user, availability status, etc. Claimed subject matter not the specification is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding prior art. In re Sporck, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1986); In re Self, 213 USPQ 1, 5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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